

From: Jennifer Phaneuf <jennifer.phaneuf@apdcares.org>
Subject: **Assistance with a hopefully simple need.**
Date: June 27, 2014 at 6:50:49 PM EDT
To: "DaileyJ@leoncountyfl.gov" <DaileyJ@leoncountyfl.gov>

Good Afternoon Commissioner Dailey-

I have a problem and am not certain which way to turn. I'm turning to you because the problem began with a document that referenced the Leon County Board of County Commissioners as a governing body.

I am in the process of trying to have an in ground swimming pool installed in my home. I have lived in the home for 19 years and have spent the majority of that time trying to get to a point where I could afford to do this for the obvious reasons of living in Florida, but even greater than that because I have a son with special needs who is now 20 and it is something that would be hugely gratifying to him.

At any rate...my husband and I have gotten to a point where we were able to refinance our home and with the cash equity **finally** get our pool. In addition to the cost of the pool, we had to pay to have trees removed from the front yard and have our drain field moved to the front. We have done both of these things to the tune of over \$10,000.

Now we are at the point of getting the pool permit, which our contractor has submitted. When the environmental management inspector came to look at the site and ensure proper drainage, etc. it was revealed that the survey we just had done for the home refinancing indicates a "landscape easement" going from our fenced property line inward towards our house. The survey document states that "no trees can be removed" and there are no trees on the easement area. The problem is that in order for our yard to accommodate the pool we would have to dig within that easement.

It does not say anything else about development of the easement area. I spent hours trying to research what limitations there would be for the easement area, but could find no reference to code, law or ordinance so in frustration I called the surveyor to ask what governing reference was cited. He stated that he took the easement drawing directly from the plat that is on record with the Clerk of Courts. We looked at that plat and found that it was submitted upon the development of the subdivision in **1982**. It appears that at that time Equity Resources, Inc. bought the land and platted it for the subdivision development and my home was built in 1983.

The plat was submitted to and approved by the Board of County Commissioners and upon speaking with the county I was told that I need to have the easement abandoned. I have absolutely no idea how to go about that. I thought to reach out to you for guidance since the commission approved the initial plat submission it seemed logical to reach out to the commission to see about this request. There is no negative environmental impact, the area is within **my** fenced property, there are no protected trees...it's just a big dirt yard with nothing in it.

We thought we were doing all the right things...we added a 540 square foot screened porch/utility room addition to our house, changed the roof line, put a complete new roof on and did all the permitting ourselves. The entire time we stayed in touch with the county we have been telling them the grand plan of getting the pool done after the refinance. When we went through the environmental review of

our permit for the construction we were told that there should be no problem because there were no protected trees or anything like that . We hired a tree contractor, a septic contractor and a pool contractor...at no time during any of this permitting was there any concern of environmental impact to having the pool put in other than ensuring proper drainage.

I ***literally*** am over \$10,000 into the endeavor ***just with the tree removal and drain field work*** not counting the \$15,000 of construction we did to add the value of our home so that we could do the refinance to get the cash to build the pool. Now I find I may not be able to get the pool due to the dotted line on the plat document that was done **30+ years ago**.

My whole aim and end here is to have this be our forever home and to ensure that my son will always have a home when we are no longer here...my daughter even bought a home in the same neighborhood with the knowledge that she will be the caretaker of my son one day. She deliberately did not buy a home with a pool because we were in the process of this whole endeavor.

I apologize for my lengthy account here, but in a nutshell I am hoping you can give me guidance on how to have the landscape easement abandoned from my big dirt yard...that's the irony of the situation...there literally is no landscaping there. It's 90% dirt with a few weeds and that's all we have ever been able to grow in 20 years...weeds and mosquitos.

I do sincerely appreciate you taking time to read my email...thank you for any consideration or assistance you can provide.

Jennifer Phaneuf
Human Resource Manager
Agency for Persons with Disabilities
4030 Esplanade Way
Tallahassee, Florida 32399-0950
850-921-3794
FAX: 850-414-6531
Jennifer.Phaneuf@apdcares.org

CONFIDENTIALITY NOTICE: This message and any attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information that is exempt from public disclosure. Any unauthorized review, use, disclosure, or distribution is prohibited. If you have received this message in error please contact the sender (by phone or reply electronic mail) and then destroy all copies of the original message.